

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-094548

08/01/2012

HONORABLE CHRISTOPHER COURY

CLERK OF THE COURT

L. Nevenhoven

Deputy

ATLAS NO. 000406219600 IV-D
IN RE THE MARRIAGE OF
JEREMY COLLINS

JEREMY COLLINS
UP

AND

HEIDI COLLINS

HEIDI COLLINS
2855 E BROADWAY RD APT 303
MESA AZ 85204

AG-CHILD SUPPORT-EAST VALLEY
OFFICE

MINUTE ENTRY

Courtroom 403 - SEF

9:24 a.m. This is the time set for Resolution Management Conference regarding the *Petition for Dissolution of a Non-Covenant Marriage (Divorce) – With Minor Children* filed by Petitioner on September 26, 2011, and the *Response* thereto file by Respondent on January 6, 2012. Petitioner, Jeremy Collins, is present on his own behalf. Respondent, Heidi Collins, is present on her own behalf.

A recording of this proceeding is being made by audio and/or videotape in lieu of a court reporter.

Jeremy Collins and Heidi Collins are sworn and testify.

Discussion is held.

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The Court is advised that the parties have reached an agreement, which is more fully set forth on the record and can be generally summarized in the *Agreement Between the Parties Pursuant to A.R.F.L.P. Rule 69 (Divorce) With Children Partial Agreement* filed on March 19, 2012, and as follows:

- On a temporary basis, Father will have parenting time from after work when he will pick up Justin from daycare on Friday, August 3, 2012, and return Justin to daycare on Monday, August 6, 2012, continuing every other weekend thereafter.
- Father shall also have parenting time with Justin every Wednesday from after work until Thursday when he returns Justin to daycare.
- Any fees resulting from early drop off or late pick up will be assessed to the parent at fault.

The parties both testify that they have heard and understood the agreement as dictated in the record, and that this is, in fact, their agreement.

THE COURT FINDS that the agreement entered into between the parties is not unfair, is reasonable, and is in the best interests of the parties' minor child.

IT IS ORDERED approving the agreement of the parties as a binding agreement pursuant to Rule 69, *Arizona Rules of Family Law Procedure*.

CUSTODY AND PARENTING TIME

Jurisdictional Findings

THE COURT FINDS that Mother and Father have one minor child in common: Justin Collins, born March 5, 2008 (The "Child"). The parties and the minor child have resided in Arizona continuously for at least the six months preceding the filing of the petition for dissolution. This Court, therefore, has jurisdiction as Arizona is the "home state" of the minor child. *See* A.R.S. § 25-1031.

Best Interest Findings: A.R.S. § 25-403

The Court has considered the agreement of the parties and the factors under A.R.S. § 25-403. The parties have stipulated to a finding that the agreed upon plan is in the best interests of the minor child.

THE COURT FURTHER FINDS that there is no history of domestic violence (A.R.S. § 25-403(E) and 25-403.03), any drug related offenses of either party (A.R.S. § 25-403.04) and any

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sexual offenses (A.R.S. § 25-403.05) sufficient to preclude the award of joint legal custody as agreed.

Legal Custody

THE COURT FURTHER FINDS that it is in child's best interest that Mother and Father be awarded joint custody of the Child.

IT IS THEREFORE ORDERED awarding Mother and Father joint legal custody of Justin Collins (born March 5, 2008).

Custody Terms

Parental Access To Records And Information- Both parents are entitled to have equal access to documents and other information concerning each child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of the records or from the other parent. A person who does not comply with a reasonable request shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to force compliance with this subsection. A parent who attempts to restrict the release of documents or information by the custodian, without a prior court order, is subject to appropriate legal sanctions.

Educational Arrangements- Both parents have the right to participate in school conferences, events, and activities (including extra-curricular), and the right to consult with teachers and other school personnel.

Medical And Dental Arrangements- Both parents have the right to authorize necessary emergency medical/dental treatment and the right to consult with physicians and other medical practitioners. Both parents shall advise the other parent immediately of any emergency medical/dental care sought for each child. Both parents shall cooperate on health matters pertaining to each child and shall keep one another reasonably informed regarding the status of each child's health. Both parents shall keep each other informed as to names, addresses, and telephone numbers of all medical/dental care practitioners.

Parental Communication- In furtherance of each child's best interests the parents shall confer and shall consider the views of each parent. The parents shall communicate to address day-to-day and more significant issues. The parents shall use e-mail as their primary method for communication. This method allows the parents to develop their communication and ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to

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acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.

Relocation- Neither Mother nor Father shall relocate the residence of the child outside of the state of Arizona or to a distance greater than 100 miles from the current residential locations unless that parent first secures the written consent of the other or secures a court order authorizing the move.

Mediation Or Conciliation Services- The parties shall participate in mediation through a private mediator or through this Court's Conciliation Services to resolve any disputes, problems or proposed changes regarding this child custody order or parenting time before seeking further relief from the Court.

IT IS ORDERED setting this cause for **Trial** to the Court regarding the *Petition for Dissolution of a Non-Covenant Marriage (Divorce) – With Minor Children* filed by Petitioner on September 26, 2011, and the *Response* thereto filed by Respondent on January 6, 2012, for **October 19, 2012, at 11:00 a.m.** before:

The Honorable Christopher A. Coury
Southeast Judicial District
Courtroom 403
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 1 hour. The Court will reserve ten minutes from each hour of trial for preliminary matters, procedural issues, and for breaks.

LET THE RECORD REFLECT that motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

IT IS FURTHER ORDERED all discovery shall be completed by **October 19, 2012.**

A **Joint Pretrial Statement** shall be filed pursuant to Rule 6.8(b), Local Rules of Maricopa County (Domestic Relations Proceedings) no later than **October 12, 2012.** If a Joint Pretrial Statement is impossible, then this Court will accept Separate Pretrial Statements. If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pretrial Statement:

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1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A current and detailed inventory and appraisal of the property and assets of the parties.
3. A proposal of how the property and assets should be divided and the proposed disposition of each issue before the Court.
4. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

Objections and pretrial motions not filed by **October 4, 2012**, will be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present the Joint Pretrial Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

If this matter is settled and will proceed in the manner of a default, you may contact this division for an expedited hearing date.

Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court will direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

IT IS ORDERED that the parties and, if represented, counsel shall provide to the clerk of this division **any exhibits they shall seek to admit into evidence**. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 11:00 a.m. on October 12, 2012. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** A complete additional set of exhibits for the Bench shall be delivered at the same time as the exhibits for marking, preferably in three-hole binders with numbered dividers. No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. If any individual exhibit exceeds ten (10) pages in length, each page of said exhibit shall be Bates stamped (or the pages shall be numbered). **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

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IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, unemancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with A.R.S. § 25-831 et seq. Prior to the trial, and file proof thereof prior to or at the trial. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE TRIAL, THE COURT MAY VACATE THE TRIAL AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.** If only one party has completed the Parent Education Program, the Court may permit that party to proceed by default.

IF EITHER PARTY FAILS TO APPEAR FOR TRIAL, THE TRIAL MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE TRIAL MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division **five (5) court business days** before the scheduled hearing.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

In the event that the parties have any difficulties interpreting, enforcing or otherwise complying with provisions of this Order, they shall first seek mediation through a qualified mediator of their mutual selection to attempt to reach agreement prior to seeking Court intervention.

LET THE RECORD REFLECT that this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance if requested and granted. If there is difficulty with the telephonic appearance the above-set Trial will NOT be reset. Please be sure that any telephonic appearance **MUST** be from a land line, not a cell phone, and not on speaker phone.

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NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

IT IS FURTHER ORDERED signing this minute entry as a formal written Order of the Court.

/ s / HONORABLE CHRISTOPHER COURY

JUDICIAL OFFICER OF THE SUPERIOR COURT

9:51 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.